

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HANS C. EHNERT,

Plaintiff,

v.

STEAMFITTERS LOCAL 449,

Defendant.

)
) 2:18cv979
) Electronic Filing
)
) Judge David Stewart Cercone /
) Chief Magistrate Judge Cynthia Reed Eddy
)
)
)

MEMORANDUM ORDER

Plaintiff Hans C. Ehnert initiated this *pro se* action on July 25, 2018 with the filing of a motion for leave to proceed in forma pauperis (ECF No. 1), which was dismissed without prejudice on August 7, 2018. (ECF No. 2). Plaintiff thereafter paid the filing fee, and the complaint was subsequently filed on August 22, 2018. (ECF No. 5). The case was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 11, 2019 (ECF No. 19) recommending that Defendant's Motion to Dismiss (ECF No. 8) be granted in part and denied in part and that the complaint be dismissed without prejudice. Both parties have filed objections thereto.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16 day of April, 2019:

IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss (ECF No. 8) be granted in part and denied in part and that the complaint be dismissed without prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 19) dated March 11, 2019, is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Plaintiff is granted leave to amend his complaint. Said Amended Complaint shall be filed on or before April 30, 2019.



David Stewart Cercone
Senior United States District Judge

cc: Hans C. Ehnert
1082 Lyon Portal Road
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(Via First Class Mail)

Joseph J. Pass, Esquire
Steven E. Winslow, Esquire
(Via CM/ECF Electronic Mail)